

CT/JRM/T
ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX.
FT. WORTH DIVISION

2009 NOV -2 AM 10:50

CLERK OF COURT

AMERICAN AIRLINES, INC.,

Plaintiff,

-v.-

YAHOO! INC., and OVERTURE SERVICES, INC.
d/b/a YAHOO! SEARCH MARKETING,

Defendants.

No. 4-08-8CV-626-A

**EMERGENCY JOINT MOTION TO PERMIT SUBMISSION OF
MATERIALS SUBJECT TO A MOTION TO SEAL**

On October 27, 2009, the Court granted the joint motion of Plaintiff American Airlines, Inc. ("American") and Defendants Yahoo! Inc. and Overture Services, Inc. d/b/a Yahoo! Search Marketing ("Yahoo!") to extend the deadline to file three court documents: (1) Plaintiff's Response to Defendants' Motion for Summary Judgment; (2) Defendants' Response to Plaintiff's Motion for Partial Summary Judgment; and, (3) Plaintiff's Reply Relative to its Motion for Sanctions. The Court ordered the parties to file those documents—if they chose to do so—by 4:00 p.m. Monday, November 2, 2009. The parties also informed the Court that they had agreed to serve copies of these pleadings on one another on October 27, 2009. The parties requested this relief and made their agreement in order to allow them to review each others' papers and supporting evidence to determine if any commercially sensitive, confidential, and proprietary information was proposed to be filed by the other.

Yahoo! has determined that a number of documents that American intends to file and discuss in its summary judgment response and sanctions reply contain commercially sensitive,

confidential, and proprietary information that it would like filed under seal. There is one document that Yahoo! relies upon in its summary judgment response that is also commercially sensitive and that Yahoo! would like filed under seal. Indeed, later today, Yahoo! will be filing a motion for leave to file under seal (pursuant to Local Rule 79.3(b)(1)), identifying the documents, describing the sensitive nature of the information in them, providing legal authorities Yahoo! believes supports the sealing of these documents, and supporting declarations. Yahoo! will seek leave to file under seal the following:


- 1) Plaintiff's response to Defendants' motion for summary judgment;
- 2) documents contained in Plaintiff's appendix in support of its response to Defendants' motion for summary judgment;
- 3) two documents contained in Plaintiff's appendix supporting plaintiff's reply relative to its motion for sanctions; and,
- 4) one document in Defendants' appendix in support of Defendants' response and brief in opposition to Plaintiff's motion for partial summary judgment.

American is not opposed to the sealing of the items identified.

However, because the Court's October 27th Order requires the parties to *file* their papers by 4:00 p.m. on November 2nd, the parties hereby respectfully request that the Court instead grant the parties permission to *submit* the foregoing listed items with Yahoo!'s motion to seal (which will be on file by 4:00 p.m. today) and only *file* those items (either under seal or publicly) after the Court has made its ruling on Yahoo!'s motion to seal.

The parties further respectfully request that the Court consider this motion on an expedited basis so the parties are informed before the filing deadline of 4 p.m. set in the Court's October 27th Order.

Respectfully submitted,

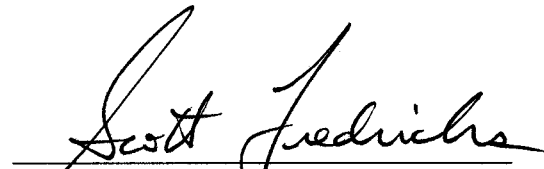

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CERTIFICATE OF CONFERENCE

Counsel for American and Counsel for Yahoo! have conferred with one another regarding the relief sought in this motion and agreed to the relief sought.



Scott Fredricks

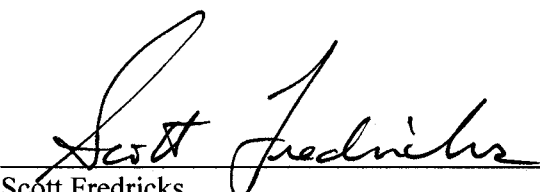
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served, via electronic delivery, on the 2nd day of November, 2009:

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